

### **REMARKS**

Claims 44, 47 and 49 are pending and being amended herein.

Claim 47 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Eddy (U.S. Pat. No. 4,259,372). The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claim.

Eddy is directed to an apparatus for applying sealant to a selected area of a container. The apparatus includes means for conveying a container into and away from a sealant applying station. Sealant dispensing means is positioned adjacent to the conveying means at the sealing station and is operable for dispensing sealant onto a selected area of the container. Means is provided adjacent to the sealant dispensing means for selectively removing any excess sealant from a nozzle portion of the sealant dispensing means.

With respect to amended claim 47, Eddy does not teach or suggest a system for coating containers comprising an apparatus including a carrier unit for coating an area of damaged protective coating on a container, a rotary manipulator, at least one heating unit separate of and spaced from the apparatus for coating, and a first conveyor for supplying containers to the rotary manipulator, wherein the apparatus is configured to rotate the carrier unit to a first station proximate to the at least one heating unit for heating the carrier unit prior to the carrier unit receiving a coating material, to a second station for the carrier unit to receive the coating material, and to a third station for the carrier unit to coat an area of damaged protective coating on a container. Rather, the apparatus of Eddy shows a heating unit configured for heating a container simultaneously with the application of the sealant.

For an anticipation rejection to be appropriate, each and every element or limitation in a rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Eddy does not teach or suggest a system for coating containers configured to rotate the carrier unit to a first station proximate to the at least one heating unit for heating the carrier unit prior to the carrier unit receiving a

- Application No.: 10/622,887  
Office Action Dated: September 19, 2005  
Response to Office Action with Extension of Time Dated: February 2, 2006

coating material, to a second station for the carrier unit to receive the coating material, and to a third station for the carrier unit to coat an area of damaged protective coating on a container, it cannot be maintained that Eddy anticipates claim 47.

Claims 44 and 49 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bank et al. (U.S. Pat. No. 4,505,220). The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Bank et al. is directed to a continuous apparatus for providing a barrier coating composition on the interior and exterior surfaces of an edible food container. The apparatus comprises a first conveyor system containing a plurality of container receiving stations, and a second conveyor system containing a plurality of container receiving stations. The second conveyor is disposed below the first conveyor system. A vacuum system is operatively associated with the container receiving stations of the first and second conveyor systems. A dispensing means is provided for sequentially placing the edible food containers in the container receiving stations of the first conveying system. A coating means is operatively associated with the first conveyor system for coating the internal surface of the edible food container with the barrier coating composition. A means is operatively associated with the first conveyor system for spinning and drying the barrier coating composition in the internal surface of the edible food container. A means is provided for moving the first conveyor system to invert the edible food container to a position above a container receiving station disposed on the second conveyor system and transferring the edible food container to the container receiving station on the second conveyor system in an inverted position. A coating means is operatively associated with the second conveyor system for coating the external surface of the edible food containers with the barrier coating composition. A means is operatively associated with the second conveyor system for spinning and drying the barrier coating composition on the external surface of the edible food container.

Bank et al., however, does not teach or suggest a system for coating containers including a first conveyor having a plurality of platforms, wherein each platform is selectively actuable to position a container at a first station proximate the heater for heating an area on the container, and a second conveyor having a plurality of platforms and being configured for receiving containers from the first conveyor, wherein each platform is selectively actuable to position a container at a second station proximate the carrier unit for depositing protective coating material attached to the carrier unit onto the area on the container that was heated at the first station, as is generally recited in amended claims 44 and 49 of the present application. Rather, Bank et al. shows an apparatus for coating and flavoring ice cream cones which includes a conveyor configured for transporting a cup to a first station for dispensing the coating and then to a second station for heating and drying the coating on the cup.

The Examiner believes that one of ordinary skill in the pertinent art would have found it obvious to modify the Bank et al. apparatus by providing a stationary heater and moving the platform relative to the heater. However, Bank et al. does not teach or suggest a system configured for heating a container on a first conveyor at a first station and thereafter depositing coating to the container on a second conveyor at a second station, as is generally recited in amended claims 44 and 49.

Accordingly, Bank et al. contains insufficient teaching when taken either alone or in combination with alleged knowledge of using up and down moving platforms to render obvious claims 44 and 49.

In view of the foregoing, it is respectfully submitted that claims 44, 47 and 49 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

Application No.: 10/622,887

Office Action Dated: September 19, 2005

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Applicants hereby petition for a two-month extension of time to file this Response. A check in the amount of \$450.00 is enclosed to cover the extension fee. No additional fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

By *Daniel G. Mackas*

Daniel G. Mackas  
Registration No. 38,541  
Attorney for Applicants

McCORMICK, PAULDING & HUBER LLP  
CityPlace II, 185 Asylum Street  
Hartford, CT 06103-3410  
(860) 549-5290